

To: The Joint Standing Committee on Education and Cultural Affairs

From: Roy Fowler, Hollis, ME

Re: Current bills regarding Child Development Services

Senator Rafferty, Representative Brennan, and members of the Joint Standing Committee on Education and Cultural Affairs,

Thank you for the opportunity to provide testimony on this important issue.

My name is Roy Fowler and many of you know me from my previous role as the State Director of Child Development Services (CDS). I have been in the field of early childhood special education for more than 26 years, 23 of which were spent in Part C. Most relevant to this testimony are the 13 years I spent at CDS, first as a Part C provider and subsequently as a Regional Site Director, State Part C Technical Advisor, State Part C Coordinator, and State Director.

When I started at CDS in 2008, there was a significant disconnect between Maine's provision of Part C services and recommended Part C practices, scientifically-based Part C practices, and the established Principles of Early Intervention. To her credit, the State Director at the time recognized the disconnect and initiated what would become several years of working closely with internationally recognized Part C experts, national technical assistance providers, and the Office of Special Education Programs in Washington, D.C. The successful outcome of that work is Maine's Part C program as it exists today.

Regardless of where one lives in Maine, eligible infants and toddlers and their families receive Part C services that reflect recommended practices, that are scientifically-based, and which align with the established Principles of Early Intervention. Providers are regularly assessed for their fidelity to the practices and a robust system of professional development is in place that includes highly effective onboarding and subsequent trainings based on the results of ongoing fidelity assessments. As the State Early Intervention Technical Advisor and CDS State Director, I was exceptionally proud of the Part C program. To put it frankly, Maine's Part C program is one of the best in the nation.

I can say that with confidence based on my conversations with OSEP, with national technical assistance providers, with the national Part C experts who supported the transformation, and with my counterparts in other states. I have presented on Maine's Part C program at several national conferences over the years and, without fail, there are questions during the sessions and significant post-session conversations about how Maine was able to transform to its model so quickly, to sustain the statewide delivery of scientifically-based services with fidelity, and to execute improvement strategies so effectively. The answer is that, unlike most other states, the significant majority of Maine's Part C workforce are *employees* and that, as employees, Maine is afforded a level of oversight and control not available to those other states.

It is for that reason that I oppose the proposal to contract for Part C services. In losing the current level of oversight and control, the ability to maintain the current quality of the program would be significantly jeopardized. Regardless of the strength of the RFP and subsequent contracts, inherent in contracting of this work is a decreased transparency which would result in a decrease in accountability. I have heard

firsthand from Part C Coordinators in other states how challenging the reliance on contracted Part C providers can be.

In addition, transitioning to an exclusively contracted provider model will likely result in a multi-year decrease in the quality of Part C services – both in terms of frontline services to infants, toddlers and families and with regard to federal performance measures. The former risks a failure to provide adequate supports to young children with disabilities and their families. The latter risks a ‘needs intervention’ determination from OSEP and possible an impact to the federal Part C funds that Maine currently receives.

The proposal to contract Part C services seems to be driven by the indication, in the Public Consulting Group’s report, that the current structure presents an ‘inherent potential conflict of interest’. It is important to understand that this ‘potential conflict of interest’ is based on CDS’ current responsibility for the general supervision – specifically the monitoring of compliance and the timely correction of any instances of noncompliance - of its Part C program. I feel strongly that the proposal to address this ‘potential conflict of interest’ through the contracting of Part C services is heavy handed, creates unnecessary risks, and is of a disproportionate magnitude when much simpler solutions are available.

Given that the responsibility for general supervision is the issue, it seems that a much more reasonable, practical, and proportionate solution would be to retain the current structure and contract with an outside entity for the monitoring of Part C’s compliance and its timely correction of instances of noncompliance. Alternatively, another entity within State government may have the capacity to conduct the monitoring to avoid any perception of conflict of interest. The disruption to Maine’s Part C program and its providers would be minimal and the continued provision of high quality early intervention services would remain intact. By comparison, the proposal currently before the Committee represents a major upheaval and would create far too many risks.

Thank you for your time.

Roy K. Fowler

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